

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 906 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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UMESH JAYANTIBHAI MURABIA

Versus

STATE OF GUJARAT

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Appearance:

MR MA KHARADI for Petitioner

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/02/96

ORAL JUDGEMENT

The petitioner is praying for a direction to the respondent to give him appointment on compassionate ground. The father of the petitioner was in the Government service died on 10.12.92. On 16.12.92, the petitioner applied to the respondent no.2 to give him appoint as class iv employee on compassionate ground. This application was rejected on 24.4.95. I have taken the translation of the order dated 24.2.95 from the learned counsel for the petitioner. The application of the petitioner was rejected on the ground that the income

of the family exceeds the limit. The petitioner made another application on 21.3.95 on which no decision has been taken. It is the contention of the learned counsel for the petitioner that the total income of the family of the petitioner is Rs. 1360/- p.m. which is the amount of family pension received by the mother of the petitioner. I do not find any merit in this case. The petitioner has not correctly stated the family income. He has only stated the income of the family pension but it is an admitted fact that the elder brother of the petitioner is already in Government service. He was in service during the life time of his father. The appointments on compassionate ground are made for a person of the family of the deceased which faces financial crisis because of the death of the only bread winner in the family. It is not the case here that the father of the petitioner was the only bread winner. On the other hand, in the family of the deceased Government his elder son is already in Government service and after his death, his widow is receiving family pension. It cannot be said, in the circumstances that the younger son of the deceased Government servant should be given appointment on compassionate ground. Compassionate appointments are not the source of regular recruitment. These appointments are being made to meet with the contingencies which do not arise in the present case. Though the reasons given by the respondent to reject the application may not be correct but for the aforesaid facts, I have satisfied that the petitioner is not entitled for any appointment on compassionate ground.

2. For all these reasons this case does not fall within the ambit of the decision of the Supreme Court in the case of Rameshkumar Nagpal vs. State of Haryana reported in 1994(4)SCC 138

3. In the result, the application fails and the same is dismissed.